

## FACSIMILE COVER SHEET

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**COMMENT:**

Sent on behalf of Theodore Naccarella

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**PATENT****Docket No. 357939.00007****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****INVENTORS: Jonczyk et al.****APPLICATION NO. 10/562,518****Confirmation No. 7947****FILED: June 20, 2006****Examiner: Mowla, Gulam****DOCKET NO. 357393.00007****Group Art Unit: 1795****TITLE: SEMICONDUCTOR ELEMENTS HAVING ZONES OF  
REDUCED OXYGEN**

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Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

**AGENDA FOR TELEPHONIC INTERVIEW**

Sir:

Applicant respectfully thanks the Examiner for agreeing to a telephonic interview with Applicant's undersigned representative on March 1 at 3:30 PM. Per the Examiner's request, below is a proposed agenda for the telephonic interview scheduled in this case for March 1, 2011 at 3:30 AM.

The Commissioner is hereby authorized to charge any fees which may be required, or to credit any overpayment which may be owed to Applicant in connection with this application to Deposit Account No. 50-4364.

**Agenda****I. The Rejections**

Currently pending are (1) a rejection under 112, second paragraph, concerning the clarity of the dependent claims, which the Examiner asserts broaden rather than narrow the scope of the independent claim, and (2) a set of prior art rejections relying on Tachikawa as the primary reference.

Appln. No. 10/562,518  
Agenda for Telephonic Interview

Both the 112 and the prior art rejection stem from a single misunderstanding about the meaning of the claim language. Specifically, the claims attempt to claim that the zone of reduced interstitial oxygen concentration is at least a certain depth, e.g., 75 microns for independent claim 1, and 125, 150, or 175 for various dependent claims.

The Examiner and Applicant are in agreement that Tachikawa teaches no more than a relevant zone that is 1 micron in depth.

The present dispute concerns one and only one issue, whether the present claim language recites (1) that the zone is at least 75 (100, 125, 150, or 175) microns in depth, and therefore clearly distinguishes over Tachikawa or (2) not more than 75 (100, 125, 150, or 175) microns in depth, which would not be a distinguishing feature over Tachikawa's 1 micron deep zone.

The claim language in issue is:

said zone of reduced oxygen concentration including said first major surface and all points in said structure which are within 75 (100, 125, 150, 175) microns of said first major surface

Applicant contends that this language means that the zone is at least 75 (100, 125, 150, 175) microns deep, and, therefore, Tachikawa's 1 micron deep zone does not meet this recitation. The Examiner contends that this language means that the zone is not more than 75 (100, 125, 150, 175) microns deep, and, therefore, Tachikawa's 1 micron deep zone does meet this recitation.

Despite Applicant's position that the present language is clear and patentably distinguishing over Tachikawa, Applicant is amenable to rephrase the language in any manner that is clear and satisfactory to the Examiner.

Hence, during the interview, Applicant's undersigned representative will attempt to convince the Examiner and his supervisor that the present language already adequately recites this distinguishing feature, and, if unsuccessful, would like to discuss other language that recites this feature clearly that is acceptable to both Applicant and the Examiner. Two possibilities are:

said zone of reduced oxygen concentration including said first major surface and at least all points in said structure which are within 75 (100, 125, 150, 175) microns of said first major surface

and

AppIn. No. 10/562,518  
Agenda for Telephonic Interview

said zone of reduced oxygen concentration including said first major surface and extending to a depth of at least all points in said structure which are within 75 (100, 125, 150, 175) microns of from said first major surface

Respectfully submitted,

Dated: February 22, 2011

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